

# **EXHIBIT F – 1**

DRAFT FINAL

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
2 COUNTY OF SAN FRANCISCO  
3

4 Coordination Proceeding, ) Case No.  
5 Special Title (Rule 3.550) ) JCCP No. 4955  
6 )  
7 CALIFORNIA NORTH BAY FIRE )  
8 CASES )  
9 )  
10 AND RELATED CROSS-ACTIONS. )  
11 )  
12 )

13 VIDEOTAPED DEPOSITION OF PG&E THROUGH ITS PERSON  
14 MOST QUALIFIED: BRIAN JAMES BIANCARDI  
15 San Francisco, California  
16 Wednesday, January 16, 2019  
17 Volume I

18  
19  
20 Reported by:  
21 CATHERINE A. RYAN, RMR, CRR  
22 CSR No. 8239  
23 Job No. 3181431  
24  
25 PAGES 1 - 98

DRAFT FINAL

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2           COUNTY OF SAN FRANCISCO  
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9         CASES                        )  
10                                      )  
11         AND RELATED CROSS-ACTIONS. )  
12                                      )  
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16                                      Videotaped deposition of BRIAN JAMES  
17                                      BIANCARDI, Volume I, taken on behalf of Plaintiffs,  
18                                      at Veritext Conference Center, 160 Pine Street,  
19                                      Suite 710, San Francisco, California, beginning at  
20                                      10:03 a.m. and ending at 11:40 a.m., on Wednesday,  
21                                      January 16, 2019, before CATHERINE A. RYAN,  
22                                      Certified Shorthand Reporter No. 8239.

23  
24  
25

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20 SOUFOU LEE, Videographer

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22

23

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## DRAFT FINAL

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DRAFT FINAL

1 San Francisco, California; Wednesday, January 16, 2019

2 10:03 a.m.

3

4 THE VIDEOGRAPHER: Good morning. We are  
5 going on the record at 10:03 a.m. on Wednesday, 10:03:03  
6 January 16th, 2019.

7 Please note that the microphones are  
8 sensitive and may pick up whisperings, private  
9 conversations, and cellular interference.

10 Please turn off all cell phones or place 10:03:16  
11 them away from the microphones as they can interfere  
12 with the deposition audio.

13 Audio and video recording will continue to  
14 take place unless all parties agree to go off the  
15 record. 10:03:25

16 This is Media Unit 1 of the video-recorded  
17 deposition of Brian Biancardi, taken for counsel by  
18 Plaintiff, in the matter of California North Bay  
19 Fire Cases and Related Cross-Actions, filed in the  
20 Superior Court, State of California, County of 10:03:39  
21 San Francisco, JCCP No. 4955.

22 This deposition is being held at Veritext  
23 Conference Center, located at 160 Pine Street,  
24 Suite 710, in San Francisco, California.

25 My name is Soufou Lee, from the firm 10:03:57

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DRAFT FINAL

1 Veritext Legal Solutions, and I'm the videographer. 10:03:59  
2 The court reporter is Catherine Ryan.  
3 I am not related to any party in this  
4 action, nor am I financially interested in the  
5 outcome. 10:04:08  
6 Counsel and all present in the room and  
7 everyone attending remotely will now state your  
8 appearances and affiliations for the record.  
9 If there are any objections to proceeding,  
10 please state them at the time of your appearance, 10:04:17  
11 beginning with the noticing attorney.  
12 MR. CAMPORA: Good morning. Steve Campora  
13 for various individual plaintiffs.  
14 MR. PITRE: Buongiorno. Frank Pitre for  
15 the plaintiffs. 10:04:27  
16 MR. EVERAKES: Good morning. Jordan  
17 Everakes for various subrogating plaintiffs.  
18 MS. NORTH: Good morning. Julie North,  
19 Cravath, Swaine & Moore, for PG&E and the witness.  
20 MS. PATERNO: Beatriz Paterno, Cravath, 10:04:39  
21 Swaine & Moore, on behalf of the witness and PG&E.  
22 MR. CAMPORA: On the phone we have Craig?  
23 MR. SIMON: Craig Simon, Berger Kahn, on  
24 behalf of plaintiffs.  
25 MR. CAMPORA: Sally? 10:04:50

DRAFT FINAL

1 MS. NOMA: Sally Noma, subrogating 10:04:52  
2 plaintiffs.

3 MR. CAMPORA: Robert?

4 MR. JACKSON: Robert Jackson on behalf of 10:04:58  
5 individual plaintiffs.

6 MR. CAMPORA: Mickey? Mickey McGuire, are  
7 you still on the phone?

8 MR. McGUIRE: I'm sorry. I had my mute  
9 on. Mickey McGuire on behalf of individual  
10 plaintiffs. 10:05:15

11 MR. CAMPORA: Britt?

12 MS. STROTTMAN: Britt Strottman, Baron &  
13 Budd, for public entity plaintiffs.

14 MR. CAMPORA: Anybody else on the phone?  
15 (No response.) 10:05:26

16 THE VIDEOGRAPHER: Thank you.  
17 Would the court reporter please swear in  
18 the witness.

19 BRIAN JAMES BIANCARDI,  
20 having been administered an oath, was examined and 10:05:39  
21 testified as follows:

22 EXAMINATION  
23 BY MR. CAMPORA:  
24 Q Could you state your full name for the  
25 record, please, sir. 10:05:42

DRAFT FINAL

1 A Yes. Brian James Biancardi. 10:05:43  
2 Q Mr. Biancardi, my name is Steve Campora.  
3 We were just introduced off the record.  
4 We're here today for your deposition, but  
5 it's your deposition as the person most qualified 10:05:55  
6 from Pacific Gas & Electric Company.  
7 Do you understand that?  
8 A I do.  
9 Q And do you understand that you'll be  
10 testifying today just as if the corporation were 10:06:02  
11 speaking?  
12 A I do.  
13 Q So the answers that you give are as if  
14 PG&E was answering the question.  
15 Do you understand that? 10:06:09  
16 A I do understand that.  
17 Q Okay. Have you ever given a deposition  
18 before?  
19 A I have not.  
20 Q This is your first time? 10:06:14  
21 A It is.  
22 Q Well, I'm going to cover some ground rules  
23 just to make sure you and I are on the same page.  
24 Have you had -- first of all, have you had  
25 an opportunity to discuss with your attorney what a 10:06:23

DRAFT FINAL

1 deposition is? 10:06:25

2 A We've discussed it, yes.

3 Q Okay. During the course of this

4 deposition, if you see where I'm going with a

5 question and you answer before I'm done, your answer 10:06:31

6 will break up the question and the record, and we

7 don't want that to happen. So if you wait until I

8 finish the questions, I'll wait until you finish the

9 answers, okay?

10 A Agreed. 10:06:41

11 Q The oath you just took is the same oath

12 you would take if you were testifying in court.

13 Do you understand that?

14 A I do.

15 Q The same penalties of perjury apply as if 10:06:47

16 you're testifying in court.

17 Do you understand that?

18 A I do.

19 Q During the course of the deposition, if

20 you don't know the answer to a question because you 10:06:52

21 don't -- you don't have the information, tell me you

22 don't have the answer. Don't guess and don't

23 speculate. But if you do have an answer based on

24 the facts that you have and a best estimate, I'm

25 entitled to that. 10:07:05

DRAFT FINAL

DRAFT FINAL

1 typed into a booklet form. You get a chance to read 10:07:45  
2 and review your testimony, make any changes to that  
3 testimony you think are appropriate. You can't  
4 change the questions, but you can change your  
5 answers. But if you make a change, I can comment 10:07:53  
6 it -- on it or any other attorney in this room can  
7 comment on it and perhaps suggest you're being less  
8 than honest.

9 Do you understand that?

10 A I do. 10:08:01

11 Q Okay. Any reason why you can't go forward  
12 and give us your best testimony?

13 A No.

14 Q You're not sick? You haven't taken any  
15 narcotics? You're good to go?

16 A That's correct.

Q Okay. What's your educational background?

18 A BS in public affairs, Indiana University,  
19 2000; MBA, Golden Gate University, 2010; certified  
20 arborist since 2006; certified project manager.

21 Q What did you do in order to obtain your  
22 certificate as a certified arborist?

23           A       The International Society for  
24       Arboriculture has a exam, which I sat for  
25       passed.

DRAFT FINAL

1 Q Did you take any classes before taking the 10:09:04  
2 exam?

3 A No, on-the-job training.

4 Q So you didn't attend any seminars? You 10:09:12  
5 didn't have any text, notebooks, anything like  
6 that?

7 A There were texts. There were notebooks.  
8 There's a study manual that is issued by the ICA  
9 (sic), the International Society for Arboriculture.

10 Q Did you have any in-field training before 10:09:25  
11 you took your test as a certified arborist?

12 A On-the-job training, yes.

13 Q Who provided -- who was your supervisor  
14 when you got on -- on-the-job training to become a  
15 certified arborist? 10:09:38

16 A Bob -- or Robert Urban.

17 Q Is that when you worked for ACRT?

18 A It was, yes.

19 Q Are you a certified utility arborist or  
20 just a certified arborist? 10:09:55

21 A I'm no longer a certified utility  
22 specialist; however, I was. I did not -- did not  
23 renew that certification.

24 Q Okay. When -- during what years were you  
25 a certified utility arborist? 10:10:04

DRAFT FINAL

1 A 2006 or '7 to 2011 or '12. I don't have 10:10:15  
2 the exact dates.

3 Q You also said you were a certified project  
4 manager --

5 A That's correct. 10:10:30

6 Q -- is that right?

7 Who was that certificate issued by?

8 A Through the Project Management Institute,  
9 PMI.

10 Q When did you obtain that certificate? 10:10:37

11 A In 2009.

12 Q Any other certificates that you hold?

13 A No.

14 Q Other than a driver's license, have you  
15 held any licenses in the state of California? 10:10:50

16 A Not to my knowledge.

17 Q When you got your degree in public affairs  
18 at Indiana, did you take any classes in  
19 arboriculture?

20 A I did not. 10:11:04

21 Q And I take it, when you got an MBA at  
22 Golden Gate, you didn't take any classes in  
23 arboriculture?

24 A That's correct.

25 Q Is it correct, sitting here today, that 10:11:12

DRAFT FINAL

1 you haven't had any training or education regarding 10:11:15  
2 arboriculture, other than on-the-job training at  
3 either ACRT or PG&E?

4 A That's -- that's correct. I did have a  
5 course -- week-long course with ACRT in Ohio in 10:11:25  
6 2005.

7 Q Is that the course that you took before  
8 you became -- they sent you to the field?

9 A That was classroom time and -- and field  
10 time, yes. 10:11:42

11 Q At the beginning of your job?

12 A No, in the -- in the middle of my job,  
13 2005, with -- with ACRT.

14 Q Okay. And that lasted how many days?

15 A That was a week-long course. 10:11:51

16 Q And was there an ACRT training manual?

17 A There was.

18 Q You still have it?

19 A I don't believe so.

20 Q That's okay. I have one. 10:12:04

21 Give me your employment history since  
22 college.

23 A After graduating college, I worked for  
24 Enterprise Rent-a-Car in Washington State. After  
25 that, I worked for Climax Climbing Gear in Portland, 10:12:25

DRAFT FINAL

1 Oregon. After that, I spent two years working -- 10:12:32  
2 volunteering with the Peace Corps in Nepal. After  
3 that, I worked at a bicycle shop in Seattle for a  
4 few months before being hired on to ACRT.

5 Q I take it, at Enterprise, you didn't gain 10:12:56  
6 any experience with regard to arbor- --  
7 arboriculture, did you?

8 A No.

9 Q And with Climax, you didn't gain any  
10 experience or training with regard to arboriculture, 10:13:06  
11 did you?

12           A     A lot of the climbing training that  
13        happens in rock climbing is transferable over to  
14        tree climbing.

15 Q Okay. Well, so did you -- were you -- 10:13:17  
16 anything in your work at Climax help you identify  
17 facility-protect trees?

18 A No.

19 Q What about when you were in the Peace  
20 Corps; anything there transfer as -- with regard to 10:13:30  
21 experience in arboriculture?

22 A Yes. I was a environmental awareness  
23 volunteer, working on various forestry projects.

24 Q Tell me what you did.

25 A I worked with a local school, taught 10:13:49

DRAFT FINAL

1 substitute science for eighth grade in Nepal, worked 10:13:52  
2 with a local small conservation and forestry  
3 department with the local district of -- of Rasuwa  
4 in -- in the mountains of Nepal and formed a nature  
5 club where we built a tree nursery and used that 10:14:11  
6 tree nursery to stabilize landslides.

7 Q Okay. Are the trees in Nepal similar to  
8 the trees in California?

9 A Similar species.

10 Q Similar species? 10:14:29

11 A Similar species, yes.

12 Q Okay. So Ponderosa Pine, for example?

13 A A pine tree.

14 Q Okay. Gray Pine?

15 A No. 10:14:34

16 Q Valley Oak? Valley Oak?

17 A No.

18 Q Blue Oak?

19 A No.

20 Q Live Oak? 10:14:40

21 A No.

22 Species, not -- not genus. Sorry.

23 Q I understand.

24 How about when you worked for the bicycle  
25 shop; I take it no experience there relating to 10:14:51

DRAFT FINAL

1 arboriculture, true? 10:14:53

2 A No.

3 Q That's correct?

4 A That's correct.

5 Q And then you went to work for ACRT in what 10:14:57

6 year?

7 A In 2004.

8 Q In what capacity?

9 A As an inspector.

10 Q So PI? 10:15:07

11 A I started with a contract with Florida

12 Power & Light, so the terminology was different.

13 Q Is it the equivalent of a PI?

14 A Yes.

15 Q And when I say "PI," you understand I'm 10:15:17

16 talking about what PG&E calls a "pre-inspector"?

17 A Yes.

18 Q So your job duties would have been to go

19 out and inspect lines and looking for vegetation

20 issues? 10:15:28

21 A Yes.

22 Q How long did you do that?

23 A I was employed with ACRT from December of

24 2004 until March 27th of 2007.

25 Q And at all times when you worked for ACRT, 10:15:39

DRAFT FINAL

1 were you a -- the equivalent of a preliminary -- or 10:15:41  
2 a pre-inspector?

3 A No.

4 Q Okay. So what was your job after 10:15:48  
5 pre-inspection?

6 A Supervisor.

7 Q And you supervised pre-inspectors?

8 A I supervised pre-inspectors, correct.

9 Q When did you become a supervisor?

10 A I had a few rotational positions in 2005, 10:15:55  
11 and I officially became a supervisor in 2006.

12 Q Where were you working when you became a  
13 supervisor?

14 A In the East Bay.

15 Q And what -- was ACRT doing work for PG&E 10:16:10  
16 at that time?

17 A They were.

18 Q So in 2006, were you promoted from  
19 supervisor?

20 A In 2006, I was promoted to a supervisor. 10:16:19  
21 In 2007, I was promoted to -- hired on to PG&E.

22 Q Okay. So the two jobs -- two job -- job  
23 categories you had at ACRT were -- number one is  
24 a -- what we call a "pre-inspector" -- what PG&E  
25 calls a "pre-inspector"? 10:16:38

DRAFT FINAL

1 A Correct. 10:16:40

2 Q And number two is a supervisor of

3 pre-inspectors?

4 A Yes.

5 Q And you didn't hold any other jobs at 10:16:43

6 ACRT?

7 A No.

8 Q And other than the class you told me about

9 that lasted for a week in 2005, did you receive any

10 other classroom training from ACRT? 10:16:51

11 A No.

12 Q So when you first went to work as a

13 pre-inspector in 2004, you had no classroom training

14 before going out into the field?

15 A No. 10:17:04

16 Q That's correct?

17 A That's correct.

18 Q That was in Florida?

19 A That was in Florida, correct.

20 Q And, to your knowledge, is the training 10:17:13

21 the same here in California; that ACRT hires people

22 and puts them in the field without any additional

23 training?

24 MS. NORTH: Objection. Argumentative.

25 //

DRAFT FINAL

1 BY MR. CAMPORA: 10:17:22

2 Q If you know?

3 A I'm unsure of their exact training

4 practices.

5 Q Okay. Did you receive -- when you worked 10:17:28

6 for ACRT, did you receive any training from any PG&E

7 employees?

8 A I worked with PG&E employees as a

9 pre-inspector and as a supervisor with ACRT.

10 Q Yeah, but my question is different. 10:17:55

11 My question is: Did any PG&E employees

12 provide you with any training while you worked at

13 ACRT?

14 A I -- I believe so.

15 Q Who? 10:18:06

16 A At the time, the local supervisor was Doug

17 McPherson, and the local vegetation program

18 manager -- or they called them at the time

19 "foresters" -- was Dee McDonough.

20 Q What training did Mr. McPherson give you? 10:18:28

21 A And the PG&E staff at the time would --

22 would routinely review procedures with local staff.

23 Q What procedures did Doug McPherson review

24 with you?

25 A I can't recall which exact procedure. 10:18:42

DRAFT FINAL

1 Q What about Mr. -- is that Mr. McDonough or 10:18:44  
2 Ms. McDonough?  
3 A Ms.  
4 Q What training did Ms. McDonough give you?  
5 A Equivalent procedures. 10:18:54  
6 Q Equivalent to what?  
7 A Equivalent to what Mr. McPherson ...  
8 Q The ones you can't remember?  
9 A Exactly.  
10 Q Any other PG&E employees give you any 10:19:02  
11 other training, to your knowledge?  
12 A Not to my knowledge.  
13 MS. NORTH: I should have objected to that  
14 as vague.  
15 MR. CAMPORA: I probably should mark both 10:19:34  
16 of those in that order.  
17 (Exhibit 0070-001 and Exhibit 0070-002  
18 were marked for identification by the  
19 court reporter.)  
20 MS. NORTH: Thank you. 10:19:38  
21 MR. CAMPORA: This witness is Witness 70,  
22 and we have just marked Exhibits 1 and Exhibit 2 to  
23 this deposition, so it's Exhibit 70-001 and  
24 Exhibit 70-002.  
25 Q I've put in front of you, sir, a 10:19:59

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1 deposition notice which has now been marked as 10:20:01  
2 Exhibit 70-001.

3 Have you seen this notice before?

4 A I have.

5 Q When did you first see it? 10:20:07

6 A Monday.

7 Q Monday, January the --

8 A Fourteenth.

9 Q -- 14th?

10 A That's correct. 10:20:20

11 Q Did you see that this notice required the

12 production of various documents --

13 A I did.

14 Q -- starting on page 4?

15 Did you review those document requests? 10:20:31

16 A Can you repeat the question?

17 Q Sure.

18 If you look at page 4, there's a document

19 request on this -- in this notice, and they're

20 Document Requests 1 through 7. 10:20:48

21 Did you see those document requests?

22 A I did see this document request, yes.

23 Q Did you review the document request?

24 A I did review the document request.

25 Q What did you do, if anything, to make sure 10:21:02

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1 the documents responsive to these requests were 10:21:04  
2 produced?

3 A For this, I verified with counsel.

4 Q So what did you do? Did you go back and 10:21:25  
5 look on the computer or in any databases that you  
6 have to see whether all documents responsive to  
7 these requests were produced?

8 A I did not.

9 Q Did you check to see if there were 10:21:33  
10 documents that were responsive to these requests on  
11 your database?

12 A I did not.

13 Q Okay. So you did nothing with regard to 10:21:41  
14 finding documents to produce here today; is that  
15 true?

16 MS. NORTH: Objection. Argumentative.

17 THE WITNESS: I was told that these  
18 documents were produced.

19 BY MR. CAMPORA:

20 Q Okay. My question, sir, is: Did you do 10:21:46  
21 anything to verify that yourself, since you're the  
22 one here testifying under penalty of perjury?

23 A No.

24 MS. NORTH: Objection. Argumentative.

25 //

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1 BY MR. CAMPORA:

10:21:54

2 Q Okay. So sitting here today, you don't  
3 know, of your own knowledge, whether these documents  
4 were produced or not, true?

5 MS. NORTH: Objection. Argumentative.

10:22:00

6 THE WITNESS: Not necessarily.

7 BY MR. CAMPORA:

8 Q Okay. Well, so tell me which documents  
9 that you know that respond to these seven requests  
10 were produced.

10:22:08

11 A Again, it is my understanding that I've  
12 been assured through my employer that these were  
13 produced.

14 Q I'm not asking you what somebody else told  
15 you. I'm asking you what you did.

10:22:17

16 Sitting here today, you have no personal  
17 knowledge that any of these documents were produced,  
18 do you?

19 MS. NORTH: Objection. Asked and  
20 answered.

10:22:25

21 BY MR. CAMPORA:

22 Q Correct?

23 A Again, not necessarily.

24 Q Okay. Well, tell me what personal  
25 knowledge you have that any one document was

10:22:32

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1 produced.

2 A May I ask how you expect me to exemplify

3 that?

4 Q Do you know what "personal knowledge" is?

5 A I do. 10:22:47

6 Q Okay. It means that you either saw it

7 being produced, confirmed it was produced, saw the

8 list of documents that was produced.

9 So do you have personal knowledge that any

10 document responsive to these requests was produced? 10:22:55

11 A Yes. Again --

12 Q Which ones?

13 A -- I was ...

14 Q Okay. Being told doesn't count as

15 personal knowledge. 10:23:05

16 MS. NORTH: Objection. You're being

17 argumentative.

18 MR. CAMPORA: No, I'm not.

19 MS. NORTH: Yes, you are.

20 BY MR. CAMPORA: 10:23:09

21 Q Who told you -- who told you all the

22 documents were produced?

23 A Counsel told me.

24 Q Okay. So all you know is what counsel

25 told you, right? 10:23:14

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1 A That's correct. 10:23:15  
2 Q So you have no personal knowledge, right?  
3 MS. NORTH: Objection. Asked and  
4 answered. Argumentative. Please move on.  
5 MR. CAMPORA: No. 10:23:20  
6 Q You can answer the question.  
7 MS. NORTH: Again --  
8 MR. CAMPORA: He hasn't answered it yet.  
9 MS. NORTH: Yes, he has.  
10 BY MR. CAMPORA: 10:23:25  
11 Q You have -- all you know is what your  
12 lawyer told you, right?  
13 A That's correct.  
14 Q Category number one, beginning on page 2  
15 -- category number one is: "The location of each 10:23:47  
16 FPT tree located as part of the following audits,"  
17 and then there are five audits listed.  
18 Do you see that?  
19 A I do.  
20 Q Are you the person most qualified to 10:23:57  
21 testify here today as to the location of each FPT  
22 tree that was identified in those audits?  
23 A I am.  
24 Q What did you do to prepare yourself to  
25 answer those questions? 10:24:07

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1 A I have reviewed with counsel these audits. 10:24:11  
2 Q Okay. So when you review the audit, the  
3 audit doesn't say where the FPT tree is, does it?  
4 A The audit report does not say where the  
5 FPT tree is. 10:24:28  
6 Q Okay. So what did you do to identify the  
7 location of each FPT tree identified in those  
8 audits?  
9 A We reviewed a number of them -- of the  
10 locations using the work request and the field data  
11 sheets. 10:24:37  
12 Q When you say "we," you mean you and your  
13 lawyer?  
14 A The two counsel sitting next to me.  
15 Q Okay. Did you review it with any other  
16 employees of PG&E? 10:24:48  
17 MS. NORTH: Objection. Vague.  
18 BY MR. CAMPORA:  
19 Q Do you understand my question?  
20 A There were other folks that I've spoken to  
21 in prep- -- in preparation for this. 10:24:59  
22 Q Okay. So for this category, what  
23 employees, if any, from PG&E did you speak with?  
24 A For this category, I spoke with Eric  
25 Oldford. 10:25:13

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1 Q Anyone else? 10:25:19  
2 A No.  
3 Q Did Mr. Oldford give you the location of  
4 any FPT tree that was identified in any of those  
5 audits? 10:25:33  
6 A The locations were provided in the field  
7 data sheets.  
8 Q Who gave you the field data sheets to  
9 review?  
10 A Counsel. 10:25:52  
11 Q Do you not know where the field data  
12 sheets are at PG&E?  
13 A I do not have -- yes, I do know where they  
14 are.  
15 Q Okay. But you relied on your lawyer to 10:26:00  
16 give you the documents?  
17 A Yes.  
18 MS. NORTH: Objection. Argumentative.  
19 BY MR. CAMPORA:  
20 Q So other than talking to your lawyer and 10:26:07  
21 looking at documents given to you by your lawyer and  
22 talking to Mr. Oldford, did you do anything else to  
23 prepare to answer the questions in category 1?  
24 A No.  
25 Q Category 2 is: "The nature of the WORK, 10:26:20

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1 if any, prescribed for each FPT tree identified in 10:26:22  
2 the following audits," and, again, it lists the one,  
3 two -- five audits.

4 Do you see that?

5 A I do. 10:26:32

6 Q And it says that "WORK" means cutting,  
7 trimming, removal, or inspection of the subject  
8 tree.

9 Did you understand that when you read it?

10 A I do. 10:26:39

11 Q Okay. What did you do to prepare to  
12 testify in this category?

13 A To understand the nature of the work, you  
14 need to understand the trim code assigned by the  
15 inspector, and those are available on the work 10:26:51  
16 requests.

17 Q Okay. So what documents did you review to  
18 prepare to testify?

19 A The work request associated with the field  
20 data sheets that list the locations and trees for 10:27:06  
21 these audits.

22 Q Okay. And where did you get the documents  
23 to review?

24 A From counsel.

25 Q Were those documents not available to you 10:27:15

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1 at PG&E? 10:27:16

2 MS. NORTH: Objection. Argumentative.

3 THE WITNESS: Those documents are

4 available to me.

5 BY MR. CAMPORA: 10:27:21

6 Q Okay. But the only documents you looked

7 at were the ones given to you by counsel; is that

8 true?

9 A That's correct.

10 Q Did you review PG&E database to see if 10:27:29

11 there were any other documents available?

12 MS. NORTH: Objection. Vague.

13 BY MR. CAMPORA:

14 Q Do you understand my question?

15 A Yes, I do. 10:27:40

16 Q Okay. Did you review the PG&E database to

17 see if there were any other documents available to

18 provide information on this topic?

19 A Yes. There --

20 MS. NORTH: Objection. Vague. 10:27:49

21 Go ahead.

22 THE WITNESS: There was one location where

23 I did search the database.

24 BY MR. CAMPORA:

25 Q Okay. What database did you search? 10:27:55

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1 A The Vegetation Management Database, or 10:27:57  
2 VMD.

3 Q Okay. Which location did you search the  
4 database for?

5 A I do not recall. 10:28:04

6 Q Did you do that search with -- with  
7 counsel or by yourself?

8 A With counsel in the room.

9 Q Okay. So in order to prepare for this,  
10 you reviewed documents provided to you by counsel, 10:28:15  
11 with the exception of one location, which you looked  
12 at on the database?

13 A That's correct.

14 MS. NORTH: Objection. Vague.

15 Go ahead. 10:28:22

16 BY MR. CAMPORA:

17 Q Did you speak with any employees of  
18 PG&E --

19 MS. NORTH: Vague. Objection.

20 BY MR. CAMPORA: 10:28:26

21 Q -- in preparing for this category?

22 MS. NORTH: "This category" being  
23 category 2?

24 MR. CAMPORA: Right.

25 THE WITNESS: No. 10:28:37

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1 BY MR. CAMPORA:

10:28:37

2 Q So the -- the entirety of the information  
3 you have to respond to this cat- -- category comes  
4 from documents given to you by counsel, with the  
5 exception of one location, true?

10:28:44

6 A That's correct.

7 Q Number 3: "The date and time when WORK,  
8 if any, was performed on each FPT tree, identified  
9 in the following audits," and, again, there are five  
10 audits listed.

10:28:57

11 Do you see that?

12 A I do.

13 Q What did you do to prepare to answer  
14 questions on category 3?

15 A The date and time for work in -- 10:29:07  
16 associated with these audits is, again, on the work  
17 requests, which were, again, provided by counsel.

18 Q Did you review any documents on the PG&E  
19 database yourself to determine -- to obtain  
20 information to answer questions regarding 10:29:24  
21 category 3?

22 A None except for the location I stated  
23 earlier.

24 Q Okay. So the sum -- did you talk to any  
25 employees to get information regarding category 3? 10:29:35

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1 A I did not. 10:29:37

2 Q So the sum and substance of your basis of  
3 information is documents given to you by counsel  
4 with the exception of your review of one location on  
5 the PG&E database, true? 10:29:46

6 MS. NORTH: Objection.

7 THE WITNESS: That's correct.

8 BY MR. CAMPORA:

9 Q Number 4: "The date and time when WORK,  
10 if any, was performed on each FPT tree, identified 10:29:55  
11 in the following audits."

12 And just so we have a clear record,  
13 category 3 was work performed after the subject  
14 audit. Category 4 was work performed before the  
15 subject audit. 10:30:09

16 Did you understand that when you were  
17 preparing?

18 A I do understand that, yes.

19 Q Okay. What information -- what documents  
20 did you review in preparing to testify here today as 10:30:15  
21 to category number 4?

22 A Again, to understand if work was performed  
23 and the date and time, you need to look at the work  
24 requests, which were provided by counsel.

25 Q And did you look at any part of PG&E's 10:30:29

DRAFT FINAL

1 database independent of counsel? 10:30:33

2 MS. NORTH: Objection. Vague.

3 BY MR. CAMPORA:

4 Q Do you know what "independent of counsel" 10:30:39

5 means?

6 A I do.

7 Q Okay.

8 A And the answer is "No."

9 Q So, again, the sum and sub- -- oh, strike 10:30:45

10 that.

11 Did you speak with any PG&E employees in

12 order to obtain information regarding category

13 number 4?

14 A No.

15 Q So the sum and substance of your 10:30:52

16 information here today, as the person most qualified

17 from PG&E, is documents given to you by your lawyer,

18 right?

19 MS. NORTH: Objection. Argumentative.

20 THE WITNESS: That's correct. 10:31:03

21 BY MR. CAMPORA:

22 Q Number 5: "The segments of each circuit 10:31:15

23 which were inspected as... part of" any "of the

24 following audits," and there are, again, five audits

25 listed.

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1 MS. NORTH: Objection. Outside the scope. 10:32:07  
2 THE WITNESS: That's correct.  
3 BY MR. CAMPORA:  
4 Q And you -- an inspection takes place from  
5 that source-side device to either the next 10:32:12  
6 source-side device or to the end of the line, true?  
7 MS. NORTH: Objection. Outside the scope.  
8 THE WITNESS: Correct.  
9 BY MR. CAMPORA:  
10 Q Okay. And did you understand that when 10:32:20  
11 you were preparing to talk about each segment -- or  
12 the segment of each circuit which was inspected as  
13 part of the following audits?  
14 MS. NORTH: Objection. Vague.  
15 BY MR. CAMPORA: 10:32:30  
16 Q Do you understand my question?  
17 A I do.  
18 Q Okay.  
19 A Yes.  
20 Q Okay. So did you familiarize yourself 10:32:33  
21 with the source-side device segments that were  
22 inspected?  
23 MS. NORTH: Objection. Vague.  
24 THE WITNESS: Yes. We were provided with  
25 a list of source-side devices. 10:32:49

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1 BY MR. CAMPORA: 10:32:52

2 Q When you say "we were provided with a

3 list," who gave you the list?

4 A Counsel.

5 Q Was it given to you on a PG&E document or 10:32:58

6 a document prepared by counsel, if you know?

7 A I believe it was a PG&E-prepared document.

8 Q Who gave it to you?

9 A Counsel.

10 Q Did you look on any PG&E databases, 10:33:12

11 independent of counsel, to determine any of the

12 information you are relying upon to testify here

13 today?

14 MS. NORTH: Objection.

15 THE WITNESS: I did not. 10:33:23

16 BY MR. CAMPORA:

17 Q Okay. So all the information that you're

18 basing your testimony on today was contained in

19 documents provided to you by your lawyer; is that

20 right? 10:33:28

21 A That's correct.

22 MS. NORTH: Objection. Argumentative.

23 BY MR. CAMPORA:

24 Q In part of paragraph -- of category 5, it

25 says: Plaintiff under- -- "Plaintiffs understand 10:33:39

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1 that the audits involved inspections of portions of 10:33:41  
2 a circuit from an SSD to the next SSD or from an SSD  
3 to the end of the line."

4 Did you read that part of the notice?

5 A I did. 10:33:52

6 Q Then it says: "The witness should be  
7 prepared to identify SSDs used in the audit by  
8 number or other specific means of identification."

9 Did you see that part of the notice?

10 A I did. 10:34:04

11 Q Did you prepare yourself to be able to  
12 identify the SSDs used in the audit by number or by  
13 other specific means of identification?

14 A I did.

15 Q For example, do you know which circuits 10:34:12  
16 they were on?

17 A Yes.

18 Q Category 6 is: "The definition of an"  
19 F- -- "FPT tree, used by Pacific Gas & Electric  
20 Company, in its Quality Assurance Program, from 10:34:29  
21 January 1, 2015 to the present."

22 Did you read that definition -- or that  
23 category, sir?

24 A I did.

25 Q What did you do to prepare yourself to 10:34:40

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1 testify here today as to the definition of an FF -- 10:34:41  
2 FPT tree used by Pacific Gas & Electric Company from  
3 January 1, 2015, to present?  
4 A Yes. I reviewed procedures that list the  
5 definition of a facility-protect tree. In addition, 10:34:54  
6 I reviewed GO 95/Rule 35 language and Public  
7 Resource Code 4293 language around hazard trees.  
8 Q Did you know the definition before you  
9 reviewed those items in preparation to testify here  
10 today? 10:35:19  
11 A I did.  
12 Q How did you know it?  
13 A Experience.  
14 Q Okay. So tell me, in your own words,  
15 based on your experience, what the definition of an 10:35:28  
16 "FPT tree" is.  
17 A Sure.  
18 A facility-protect tree is a tree that has  
19 the ability to strike our facilities and is either  
20 dead, diseased, decayed or decadent or portions 10:35:44  
21 thereof the tree.  
22 Q Dead, diseased?  
23 A Dead, diseased, decadent or decaying, or  
24 portions thereof that are diseased, dead, decadent,  
25 or decaying. 10:36:07

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1 Q Do you know whether or not a green, 10:36:12  
2 healthy tree can be an FPT tree?  
3 A No.  
4 Q "No," you don't know or "No," it's not?  
5 A No, a green, healthy tree cannot be an 10:36:22  
6 FPT.  
7 Q Do you know who Steve Tankersley is?  
8 A I do.  
9 Q Have you ever spoken with Mr. Tankersley  
10 about what the definition of an FPT tree is? 10:36:31  
11 A I have not.  
12 Q Mr. Tankersley ever tell you that a green,  
13 healthy tree can be an FPT tree?  
14 A I have not had that conversation with  
15 Steve. 10:36:40  
16 Q Does the definition of "FPT tree"  
17 intrude -- include trees with structural issues;  
18 that is, for example, a tree that has maybe a 5-inch  
19 diameter at breast height but is 44 feet tall?  
20 A A tree that is -- can you repeat the 10:36:55  
21 question?  
22 Q Sure.  
23 I'm asking whether F- -- the definition of  
24 "FPT trees" would include trees with structural  
25 issues; that is, the diameter at breast height, for 10:37:04

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1 example, would be 4 or 5 inches, but it might be 10:37:08  
2 44 feet tall so that -- such that the structure  
3 causes an issue.

4 MS. NORTH: Objection. Hypothetical.

5 THE WITNESS: It is my understanding that 10:37:16  
6 if a tree has structural issues, then it can no  
7 longer be healthy.

8 BY MR. CAMPORA:

9 Q Okay. So under your education and  
10 training, you think a tree with structural issues is 10:37:23  
11 not a healthy tree?

12 A That's correct.

13 Q Have you been told that by people at PG&E?

14 MS. NORTH: Objection. Outside the scope.

15 THE WITNESS: That's my understanding. 10:37:32

16 BY MR. CAMPORA:

17 Q Okay. So your definition of "FPT trees,"  
18 where it says -- you said dead, diseased, decadent,  
19 decay, or portions thereof. You didn't use the word  
20 "healthy." 10:37:47

21 So what I'm -- I'm asking you: In your  
22 definition that you gave me, does a tree with  
23 structural issues fall within that definition?

24 A You asked for our definition --

25 Q Right. 10:37:58

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1 A -- for an "FPT tree," and that is what I 10:37:58  
2 gave you.

3 Q Okay.

4 A It doesn't include the word "healthy" in  
5 that definition. 10:38:05

6 Q Okay. Nor does it saying anything about  
7 structure.

8 You said: Dead, diseased, decadent, or  
9 decay, or portions thereof, right?

10 A That's correct. 10:38:12

11 Q Okay. So does -- do FPT trees include  
12 trees with structural issues?

13 A Yes.

14 Q Okay. So how does that fit in the  
15 definition? 10:38:21

16 A I believe it also states that if there is  
17 ground or root disturbance, which would fall under  
18 the category of a structural issue.

19 Q Okay. What's "ground disturbance"?

20 A If a tree is uprooting, for instance, if 10:38:34  
21 the root ball is coming out, that would be  
22 considered a structural issue.

23 Q Okay. So you -- you said "ground or root  
24 disturbance."

25 That's basically the same thing, right? 10:38:46

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1 A Yes. 10:38:48

2 Q Okay. So the -- the example I gave you,

3 where the tree has a structural issue, had nothing

4 to do with the root or the root ball, right?

5 A That's correct. 10:38:55

6 Q Okay. So if a tree has a structural

7 issue -- that is, it appears to be too tall and thin

8 to support itself -- that's a structural defect, as

9 you understand it?

10 A That is a structural defect. 10:39:05

11 Q Okay. Where does that fall in the FPT

12 definition?

13 MS. NORTH: Objection. Vague.

14 BY MR. CAMPORA:

15 Q If it doesn't, just tell me it doesn't. 10:39:11

16 A It does not fall under the definition.

17 Q Okay. So trees with structural issues

18 that don't involve the root don't fall within the

19 FPT definition; is that true?

20 MS. NORTH: Objection. Sorry. Objection. 10:39:24

21 Vague.

22 THE WITNESS: That's correct.

23 MR. CAMPORA: Okay. Mark that as next,

24 please.

25 (Exhibit 0070-003 was marked for 10:39:51

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1 identification by the court reporter.) 10:39:51

2 MS. NORTH: Thank you.

3 THE WITNESS: Let me refine that last

4 answer. You said a tree with a structural issue

5 does not fall into the definition. 10:39:59

6 A ground or root disturbance is a type of

7 structural issue, and that -- that is in the

8 definition.

9 BY MR. CAMPORA:

10 Q Sir, actually, what I said was, if it 10:40:07

11 doesn't involve the root or the root ball but it has

12 a structural issue aboveground, it doesn't fall

13 within your definition, and you said that was

14 correct.

15 A That is correct. 10:40:16

16 Q Are you changing that answer?

17 MS. NORTH: Objection. Argumentative.

18 THE WITNESS: I'm defining that answer.

19 BY MR. CAMPORA:

20 Q Right. Your -- but your definition 10:40:20

21 includes problems with the root or the root ball.

22 A That is the definition on the procedures

23 that I reviewed.

24 Q Okay. So is anybody, to your knowledge,

25 in doing the audits, looking for trees that have 10:40:29

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1 structural issues above the root or the root ball? 10:40:32

2 MS. NORTH: Objection. Outside the scope.

3 Vague.

4 THE WITNESS: We hold our contractors to  
5 the procedures. 10:40:42

6 BY MR. CAMPORA:

7 Q Okay. That's a fine answer, but it  
8 doesn't answer my question.

9 My question specifically was -- to you,  
10 was: In the categories of audits, is there anybody 10:40:50  
11 looking for trees that have structural issues above  
12 the root ball?

13 MS. NORTH: Objection. Outside the scope.

14 THE WITNESS: There is -- we have a  
15 reliability program that focuses on removing trees 10:41:00  
16 that have a likelihood. Those -- that reliability  
17 program is a separate scope from our compliance  
18 program and is based off of years of data collected  
19 through outage investigations. So what we do is we  
20 look at outages, once they happen, based on tree 10:41:24  
21 failure, look at tree failure patterns based on  
22 species, and then we go and look at removal of areas  
23 that have high outage counts -- source-side devices  
24 that have high outage counts and look at removing  
25 trees based on that scope. 10:41:41

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1 MR. CAMPORA: Move to strike as 10:41:45  
2 nonresponsive.

3 Q Sir, we're going to get done faster here  
4 today if you listen to my question and answer what  
5 I've asked you, okay? 10:41:51

6 MS. NORTH: I --

7 BY MR. CAMPORA:

8 Q So my question to you is: Sitting here  
9 today, are you aware of any inspector --  
10 pre-inspector who's looking for structural -- not 10:41:57  
11 dead, diseased -- I'm not talking about those parts.  
12 I'm talking about structural defects above the root  
13 ball.

14 Are you aware of any pre-inspector looking  
15 for structural defects? 10:42:11

16 MS. NORTH: Objection. Outside the scope.  
17 His prior answer was completely responsive.

18 You can go ahead and answer that question  
19 again.

20 THE WITNESS: My understanding is that our 10:42:19  
21 inspectors follow the procedures given to them.

22 BY MR. CAMPORA:

23 Q Okay. Well, they're given definitions of  
24 "FPT trees," right?  
25 MS. NORTH: Objection. This is outside 10:42:27

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1 the scope. 10:42:28

2 BY MR. CAMPORA:

3 Q Correct?

4 A They are.

5 Q They are given "contact" definitions? 10:42:30

6 MS. NORTH: Same objection.

7 BY MR. CAMPORA:

8 Q Correct?

9 A They are given def- -- the definition --

10 the same definition that I gave you. 10:42:36

11 Q No. Listen to my question.

12 They're given the definition for "FPT,"

13 true?

14 MS. NORTH: Objection. Outside the scope.

15 BY MR. CAMPORA: 10:42:43

16 Q Yes?

17 A They're given a definition for an FPT,

18 true.

19 Q They're given training on what a "contact  
tree" is, right? 10:42:49

20 MS. NORTH: Outside the scope.

21 THE WITNESS: Can you define a "contact  
tree" for me?

22 MR. CAMPORA: Sure.

23 Q Do you not know what a "contract tree" is? 10:42:54

DRAFT FINAL

1 A I'm wondering what your definition is. 10:42:55  
2 Q My definition is a tree that either is in  
3 contact with the line or shows evidence of being in  
4 contact with a line.  
5 A Yes. 10:43:02  
6 Q Is that your definition?  
7 A I -- I am -- the word "contact" is used  
8 in -- in various places in our program, and so I'm  
9 wondering what your definition was. And, yes, I  
10 understand that a tree in contact can be called a 10:43:12  
11 "contact tree."  
12 Q Okay. Well, either in contact or that  
13 shows evidence of contact, right?  
14 A Yes.  
15 MS. NORTH: Objection. Outside the scope. 10:43:19  
16 BY MR. CAMPORA:  
17 Q Okay. That's what pre-inspectors look  
18 for, right?  
19 MS. NORTH: Objection. Outside the scope.  
20 THE WITNESS: That -- that is one of the 10:43:23  
21 things that the pre-inspectors look for --  
22 MR. CAMPORA: Right.  
23 THE WITNESS: -- yes.  
24 //  
25 //

DRAFT FINAL

1 BY MR. CAMPORA: 10:43:26

2 Q They look for trees that are closer than

3 18 inches, right?

4 A Depending on the area of where they're

5 looking, yes. 10:43:31

6 Q Sure.

7 MS. NORTH: Please give me a chance to

8 object.

9 Outside the scope.

10 BY MR. CAMPORA: 10:43:34

11 Q They look for trees less than 4 feet,

12 right?

13 MS. NORTH: Outside the scope.

14 THE WITNESS: Yes.

15 BY MR. CAMPORA: 10:43:37

16 Q They look for trees that won't hold for 90

17 days, right?

18 MS. NORTH: Same objection.

19 THE WITNESS: The inspectors or the

20 auditors, sir? 10:43:43

21 MR. CAMPORA: Both.

22 THE WITNESS: The --

23 MS. NORTH: Objection. Outside the scope.

24 THE WITNESS: Part of the scope of the

25 auditors are to look for trees that won't hold for 10:43:50

DRAFT FINAL

1 90 days. 10:43:52

2 BY MR. CAMPORA:

3 Q Okay. They look for multiple woody stems,  
4 right? 10:43:56

5 MS. NORTH: Objection. Outside the scope.

6 Vague.

7 THE WITNESS: You're asking if the  
8 inspectors or the auditors are looking for major  
9 woody stems?

10 MR. CAMPORA: Okay. Yes. 10:44:08

11 Q Do they look for those?

12 MS. NORTH: Objection. Outside the scope.

13 THE WITNESS: The -- yes.

14 MR. CAMPORA: Okay.

15 THE WITNESS: Major woody stem is an 10:44:15  
16 exemption given by Cal Fire for trees that have  
17 major wood within the compliance zone.

18 BY MR. CAMPORA:

19 Q So which category includes trees with  
20 structural defects above the root ball? 10:44:26

21 MS. NORTH: Objection. Outside the scope.

22 THE WITNESS: Which category out of major  
23 woody stem, contacts --

24 BY MR. CAMPORA:

25 Q Out of all the -- out of the four -- of 10:44:35

DRAFT FINAL

1 the categories we just went through that inspectors 10:44:36  
2 and auditors look for, I want to know which category  
3 a tree with a structural defect above the root ball  
4 would fall in.

5 MS. NORTH: Objection. Outside the scope. 10:44:49

6 THE WITNESS: None of those.

7 BY MR. CAMPORA:

8 Q Now --

9 A Nor is the --

10 Q -- let's look at Exhibit -- 10:44:58

11 MS. NORTH: You're not finished with your  
12 answer.

13 Steve, you're interrupting him.

14 If you have something to add, please do.

15 THE WITNESS: Nor does the law talk about 10:45:06  
16 structural defects.

17 MR. CAMPORA: Yeah.

18 Q We don't want to kill people, right?

19 MS. NORTH: Objection. Argumentative.

20 BY MR. CAMPORA: 10:45:12

21 Q True? We're trying not to kill people,  
22 right?

23 A Yes, I'm trying not to kill people; that  
24 is correct.

25 Q All right. So let's look at 10:45:17

DRAFT FINAL

1 Exhibit 70-003, page 7 of 9, Bates No. -5658. 10:45:19

2 Well, first of all, do you know what this

3 document is that I've handed to you?

4 MS. NORTH: Does your copy have Bates

5 numbers on the bottom of it, because mine -- 10:45:40

6 THE WITNESS: It does, yes.

7 MS. NORTH: Okay. It just got cut off in

8 the copying.

9 THE WITNESS: But you're not looking for

10 the Bates number. You're looking for the -- 10:45:48

11 MR. CAMPORA: I gave you both, actually.

12 So, first, just look at the document itself.

13 Let's just take a break for a minute.

14 Take a -- go ahead and take a look at that document,

15 and if you want to get up and stretch your legs, 10:45:58

16 that's fine.

17 THE VIDEOGRAPHER: The time is 10:45 a.m.

18 We're off the record.

19 (Recess.)

20 THE VIDEOGRAPHER: The time is 10:50 a.m. 10:50:57

21 We're back on the record.

22 BY MR. CAMPORA:

23 Q So we have a clear record, this is

24 Exhibit -- Witness 70 - Exhibit 3, and the metadata

25 sheet on here just says where the document -- which 10:51:08

DRAFT FINAL

1       custodian it came from on the front, and it has                   10:51:11  
2       the -- the Bates number, and then the second page is  
3       the actual document.

4                  Do you see that, sir?

5       A       I do.   10:51:18

6       Q       Okay. So this is a Facility Protect and  
7       Work Difficulty Classification Procedure. It's  
8       identified as Utility Procedure TD-7102P, like  
9       "Paul," dash, 08.

10                 Do you see that?   10:51:34

11       A       I do.

12       Q       And the publication date here is  
13       April 1st, 2015.

14                 Do you see that?

15       A       I do.   10:51:38

16       Q       And it's Revision 5.

17       A       Yes.

18       Q       Okay. And you've seen this document  
19       before?

20       A       I have.   10:51:43

21       Q       In fact, I -- unless I'm incorrect, you  
22       are the document owner, are you not?

23       A       Of this version, I am.

24       Q       Okay. And above it, for document  
25       approver, was Steve Tankersley, right?                           10:51:56

DRAFT FINAL

1 A That is correct. 10:51:58

2 Q Mr. Tankersley, at the time, was the  
3 vegetation management senior operations manager,  
4 true?

5 A That's correct. 10:52:03

6 Q Okay. I have seen emails with -- that you  
7 sent or were sent to you regarding some question  
8 about whether or not the definition, which is on  
9 page 7 of 9, applied to guy wires.

10 Do you remember that conversation? 10:52:22

11 MS. NORTH: Objection. I'm just going to  
12 impose the objection that I think we've agreed that  
13 emails are not going to be the subject of these  
14 depositions.

15 MR. CAMPORA: No -- 10:52:33

16 MS. NORTH: Go ahead.

17 MR. CAMPORA: -- we agreed you didn't have  
18 to produce the emails. We didn't agree I wasn't  
19 going to ask him about it if it's part of the topic.

20 Q Was there -- was there a dispute -- or was 10:52:40  
21 there a conversation between people at PG&E about  
22 whether or not guy wires for poles was included in  
23 this definition?

24 MS. NORTH: Objection for the same reason  
25 that I stated. 10:52:50

DRAFT FINAL

1 THE WITNESS: I do not recall. 10:52:52

2 BY MR. CAMPORA:

3 Q Okay. So the -- the highlighted language

4 on page 7 of 9 says: "Facility Protection is work

5 performed to address tree failure, not tree growth." 10:53:04

6 That's a correct statement?

7 A That is correct.

8 Q Okay. It says: "It targets any tree or

9 portions of" that "tree that has the potential to"

10 fall "and come" in "contact with... high voltage" 10:53:16

11 conductors before the next scheduled patrol/trim

12 cycle."

13 Did I read that correctly?

14 A You did.

15 Q Is that a definition of facility-protect 10:53:24

16 tree?

17 MS. NORTH: Objection.

18 THE WITNESS: There's more to it than

19 this.

20 BY MR. CAMPORA: 10:53:31

21 Q Okay. Where -- where is it in writing

22 more than this?

23 A I believe if you look at -- excuse me

24 while I find the page -- page 2 of 9, Bates number

25 ending in -5653 under "Procedural Steps 1.1," you'll 10:53:48

DRAFT FINAL

1 find it says: PI and tree -- "... PI and TC," or 10:53:55  
2 tree contractor, "will REMOVE or Facility Protect  
3 Prune all trees that are dead, show signs of  
4 disease, decay or ground/root disturbance that may  
5 fall into or otherwise impact the primary conductors 10:54:12  
6 or secondary stand-alone."  
7 Q Okay. So that is the specific definition  
8 of a "facility-protect tree"?  
9 MS. NORTH: Objection. Vague.  
10 BY MR. CAMPORA: 10:54:21  
11 Q Is that your understanding?  
12 A That's my understanding, yes.  
13 Q So in section 1.3 where it refers to  
14 "overhangs," are overhangs part of a  
15 facility-protect tree but only if they show -- are 10:54:42  
16 dead, diseased, decayed -- is that correct?  
17 A That's correct.  
18 Q You said earlier that PG&E does  
19 investigation based on outages and, previously, some  
20 fires and does studies of tree species, true? 10:54:59  
21 MS. NORTH: Objection. Outside the scope.  
22 THE WITNESS: We investigate outages that  
23 are caused by tree failure.  
24 MS. NORTH: Thank you.  
25 (Exhibit 0052-008 was introduced.) 10:55:20

DRAFT FINAL

1 MR. CAMPORA: It's marked already. 10:55:25

2 Q Have you ever seen this document before,  
3 sir?

4 MS. NORTH: I'm just going to state an  
5 objection to any questions about it because it 10:55:38  
6 appears to be outside the scope.

7 THE WITNESS: I am not familiar with this  
8 document.

9 BY MR. CAMPORA:

10 Q Okay. Look at page 10 of 11, Bates 10:56:08

11 No. JCCP 136144. It has previously been marked as

12 Exhibit 52-008. In the middle of that page, there's

13 a paragraph that starts with: "Above-average."

14 Do you see that paragraph?

15 A I do. 10:56:40

16 Q Take a moment and read that paragraph to  
17 yourself.

18 (Pause.)

19 A Okay.

20 Q Have you seen that paragraph before today? 10:57:18

21 A I have not.

22 Q Have you ever been told the information in  
23 that paragraph before today?

24 A I --

25 MS. NORTH: Objection. Outside the scope. 10:57:24

DRAFT FINAL

THE WITNESS: I have not.

10:57:25

2 BY MR. CAMPORA:

3 Q Okay. It says: "Above-average  
4 percentages of blue oak, valley oak, and blue gum"  
5 trees -- of "blue gum tree failures occur during  
6 May," slash, "October," and then it says, paren,  
7 "Table 9," comma, "column 1," closed paren.

10:57:31

8 Did I read that accurately?

9 A You did.

10 Q It says: "As the failure profile of these  
11 three species is mostly branch failures, it could be  
12 cost effective fire" reduction -- "fire-risk  
13 reduction work to remove overhanging branches of  
14 these species in high-risk areas."

10:57:42

15 Did I read that accurately?

10:57:58

16 A You did.

17 Q Okay. In your understanding of a  
18 definition of a "facility-protect tree," would a  
19 Valley Oak with a overhanging (sic) bra- --  
20 overhanging branch that wasn't diseased, dead, or  
21 dying be a facility-protect tree?

10:58:08

22 A It would not.

23 (Exhibit 0070-004 was marked for

24 identification by the court reporter.)

25 MR. CAMPORA: There's an extra copy,

10:58:54

DRAFT FINAL

1 Frank? 10:58:55

2 MR. PITRE: Yeah.

3 BY MR. CAMPORA:

4 Q I'm handing you what's been marked as  
5 Exhibit 70-004. This is a copy of an Order to Show 10:58:59

6 Cause Why PG&E's Conditions of Probation Should Not

7 be Modified.

8 Have you ever seen this document before,  
9 sir?

10 MS. NORTH: Objection. Outside the scope. 10:59:12

11 THE WITNESS: I have not seen this

12 document.

13 BY MR. CAMPORA:

14 Q If you go to page 2 of the document,  
15 paragraph 1, it says: "In light of PG&E's history 10:59:25  
16 of falsification of inspection reports, PG&E shall,  
17 between now and the 2019 Wildfire Season, re-inspect  
18 all of its electrical grid" -- and the part I'm  
19 interested in now says: "and remove or trim all  
20 trees that could fall" into "its power lines, poles 10:59:44  
21 or equipment in high-wind conditions, branches that  
22 might bend in high wind" or "hit power lines, poles  
23 or equipment and branches that could break off in  
24 high wind and fall onto power lines, poles or  
25 equipment ..." 10:59:57

DRAFT FINAL

1 Did I read that accurately? 10:59:59

2 A You did.

3 Q So PG&E's definition of "facility-protect" 11:00:08

4 tree" would not include all trees that could fall

5 onto its power lines, poles or equipment in

6 high-wind conditions, true?

7 MS. NORTH: Objection. Vague.

8 THE WITNESS: Can you repeat the question?

9 MR. CAMPORA: Sure.

10 Q Un- -- unless the tree was dead, diseased, 11:00:19

11 or decadent, PG&E's definition of "facility-protect"

12 trees" would not include all trees that could fall

13 onto its power lines, poles or equipment in

14 high-wind conditions, true?

15 MS. NORTH: Objection. Vague. 11:00:34

16 THE WITNESS: That's correct.

17 BY MR. CAMPORA:

18 Q Okay. The next one says: "... branches 11:00:42

19 that might bend in high wind and hit power lines,

20 poles or equipment ..."

21 PG&E's deposition of -- deposition --

22 testing one, two.

23 PG&E's definition of "facility-protect"

24 trees" would not include trees whose branches might

25 bend in high wind and hit power lines, poles or 11:00:54

DRAFT FINAL

1 equipment unless the tree was dead, diseased, or 11:00:56  
2 decadent, true?  
3 MS. NORTH: Objection. Vague.  
4 THE WITNESS: My understanding of this, in  
5 reading it for the first time, is that they're 11:01:06  
6 asking for any tree with the possibility to fall in  
7 high winds, and what I will say is that is  
8 impossible to determine which tree will be the next  
9 tree that falls into the line, and the only way to  
10 do that would be to remove all the trees. 11:01:29  
11 MR. CAMPORA: That's another fine answer  
12 to a question that wasn't asked.  
13 Q So my question to you, sir, is: The  
14 "facility-protect" definition that you've given me  
15 would not include trees with branches that might 11:01:39  
16 bend in high wind and hit power lines unless that  
17 tree was dead, diseased, or decadent, true?  
18 MS. NORTH: Objection. Vague. Asked and  
19 answered.  
20 THE WITNESS: That's correct. 11:01:52  
21 BY MR. CAMPORA:  
22 Q Okay. The next one says: "... branches  
23 that could break off in high wind and fall onto  
24 power lines, poles or equipment ..." 11:02:02  
25 Same issue: Unless the tree was

DRAFT FINAL

1 identified as being dead, diseased, or decadent, 11:02:04

2 that category would not fall within PG&E's

3 definition of "facility-protect," would it?

4 MS. NORTH: Objection. Vague.

5 THE WITNESS: That's correct. 11:02:15

6 BY MR. CAMPORA:

7 Q It would not, true?

8 A It's correct, again. You would need to

9 remove all the trees that have the ability to

10 strike. 11:02:21

11 MR. CAMPORA: Move to strike everything

12 after that's "correct."

13 MS. NORTH: He can give a full answer if

14 he wants.

15 MR. CAMPORA: If it's responsive. 11:02:26

16 MS. NORTH: He's allowed to put his answer

17 into context.

18 (Exhibit 0070-005 was marked for

19 identification by the court reporter.)

20 MR. CAMPORA: 70-005? 11:03:13

21 MS. NORTH: Six.

22 MR. PITRE: Five.

23 MS. NORTH: Oh, really? What was the --

24 MR. CAMPORA: Four, I think. That's what

25 I wrote on it. 11:03:21

DRAFT FINAL

1 MR. PITRE: No, it's the last one. 11:03:23  
2 MS. NORTH: No, we're behind one.  
3 MR. PITRE: All right.  
4 (Simultaneously speaking.)  
5 MR. CAMPORA: Let's go through this. 11:03:27  
6 MR. PITRE: Hang on. Let's -- let's --  
7 let's take a break.  
8 MR. CAMPORA: Yeah.  
9 MR. PITRE: Let's go through the exhibits  
10 and make sure they're all straight, so let's go off 11:03:32  
11 the record.  
12 THE VIDEOGRAPHER: The time is 11:03 a.m.  
13 We're off the record.  
14 (Discussion Off the Record.)  
15 THE VIDEOGRAPHER: The time is 11:04 a.m. 11:04:38  
16 We're back on the record.  
17 MR. PITRE: Do you want to square the  
18 record, Steve?  
19 MR. CAMPORA: I will.  
20 So we went off the record to make sure we 11:04:45  
21 had correct numbering of exhibits, and the exhibit  
22 we're now looking at is Exhibit -- it's correctly  
23 Exhibit 70-005.  
24 The issue we had was that there was a  
25 prior document which had previously been marked as 11:04:56

DRAFT FINAL

1 an exhibit. 11:04:58

2 MR. PITRE: And the Bates numbers, please.

3 MR. CAMPORA: The Bates number on this --

4 it starts -- it's PG&E-NBF-TAR-0000168677, and it's

5 a series of emails. 11:05:11

6 Q Have you ever seen this document before,

7 sir?

8 A I have not.

9 Q Okay. It wasn't provided to you by

10 counsel in preparation for today? 11:05:24

11 A It was not.

12 Q And I want to ask you some questions about

13 the location of FPT trees, and I want to make sure

14 that I understand where they were.

15 This document says at the beginning -- 11:05:35

16 there's an email on the front page from Laurel

17 Reimann.

18 Do you know who Laurel Reimann is?

19 A I do.

20 Q Who is Laurel Reimann? 11:05:43

21 A Laurel Reimann is a vegetation management

22 specialist in our government -- in our support

23 organization within vegetation management.

24 Q Okay. And the email is to Kamran Rasheed

25 and Erin Parks. 11:05:57

DRAFT FINAL

1 Who is Kamran Rasheed? 11:05:59

2 A Kamran Rasheed is a senior manager on the  
3 operations side of our vegetation management  
4 department.

5 Q And then there's Erin Parks. 11:06:07

6 Who is she?

7 A Erin Parks is a supervisor in our support  
8 organization, currently on rotation as a manager in  
9 our operations organization.

10 Q And then, finally, April Kennedy. 11:06:21

11 Who is April Kennedy?

12 A April Kennedy is a supervisor within our  
13 vegetation management department, currently on  
14 rotation as a manager in our operations department.

15 Q And the subject of this email is "Carry-in 11:06:37  
16 FPs ..."

17 Do you see that?

18 A I do.

19 Q And an "FP" refers to a facility-protect  
20 tree, correct? 11:06:46

21 A It does.

22 Q Okay. So here it says: "For the next go  
23 around of FP forecasting, we'll need to take into  
24 account the number of FPs from 2015 that will hit  
25 the 2016 Rtn" -- which is "routine," right? 11:06:58

DRAFT FINAL

|    |   |   |          |
|----|---|---|----------|
| 1  | A | That's correct.                                     | 11:07:03 |
| 2  | Q | -- "budget."  |          |
| 3  |   | Do you see that?                                    |          |
| 4  | A | I do.   |          |
| 5  | Q | Okay. And is it correct -- did you have             | 11:07:07 |
| 6  |   | an understanding that facility-protect trees that   |          |
| 7  |   | had been identified in 2015 had not been corrected  |          |
| 8  |   | and were carried forward into 2016?                 |          |
| 9  |   | MS. NORTH: Objection. Outside the scope.            |          |
| 10 |   | THE WITNESS: I believe what they're                 | 11:07:20 |
| 11 |   | speaking here is billing and invoicing.             |          |
| 12 |   | MR. CAMPORA: Right.                                 |          |
| 13 | Q | But the invoice happens after the tree is           |          |
| 14 |   | fixed, right? After it's worked?                    |          |
| 15 | A | The invoicing happens after the -- the FP           | 11:07:29 |
| 16 |   | is -- is mitigated; that's correct.                 |          |
| 17 | Q | Okay. So did you learn, as part of your             |          |
| 18 |   | job -- because I have got some emails from you --   |          |
| 19 |   | that there was trees, in 2015, that were FPT trees  |          |
| 20 |   | that were not finished and were carried into 2016?  | 11:07:44 |
| 21 |   | MS. NORTH: Objection. Outside the scope.            |          |
| 22 |   | THE WITNESS: It's a possibility, but this           |          |
| 23 |   | email doesn't seem to be looking at whether work is |          |
| 24 |   | carried over. It seems to be discussing that        |          |
| 25 |   | invoicing and budgeting is carrying over.           | 11:07:58 |

DRAFT FINAL

1 BY MR. CAMPORA: 11:07:59

2 Q Can you think of a reason, sir, that a --

3 either a PI inspector or a tree-trimming contractor

4 wouldn't bill for work done in 2015 in 2015?

5 MS. NORTH: Objection. Outside the scope. 11:08:11

6 THE WITNESS: Yes, I can't speculate as to

7 the reasoning, but I can tell you that that is

8 something that happens regularly.

9 BY MR. CAMPORA:

10 Q Okay. Did you, as part of identifying the 11:08:23

11 location of FPT trees in the audits, determine

12 whether or not any of the trees that were identified

13 as FPT trees in the audits had been carried over

14 from one year to the next?

15 A Are we talking -- 11:08:36

16 MS. NORTH: Objection. Vague.

17 Go ahead.

18 BY MR. CAMPORA:

19 Q Do you understand my question?

20 A I do not know, no. 11:08:41

21 Q Okay. What I'm asking you is: Assuming

22 trees were carried from 2015 to 2016, did you

23 determine whether or not any of those trees were

24 identified in the audits as facility-protect trees?

25 MS. NORTH: Objection. Vague. 11:08:52

DRAFT FINAL

1 THE WITNESS: I actually need 11:08:54  
2 clarification here. I'm -- I'm having trouble  
3 understanding whether you're speaking about budget  
4 and carryover or whether you're speaking about  
5 whether a tree was not mitigated in that year. 11:09:03

6 MR. CAMPORA: All right. Well, sir, let's  
7 do this one, since you're -- apparently you're  
8 confused.

9 Mark that as next, please.

10 (Exhibit 0070-006 was marked for 11:09:20  
11 identification by the court reporter.)

12 MR. CAMPORA: This would be Exhibit --

13 MS. NORTH: Do you have an extra copy?

14 MR. CAMPORA: Oh, I'm sorry.

15 MS. NORTH: It's all right. Thank you. 11:09:29

16 THE WITNESS: I was handed two copies.

17 MS. NORTH: Oh, there you go.

18 MR. CAMPORA: Give one to your lawyer.

19 Q This is Exhibit 70-006. It starts with  
20 Bates No. PG&E-NBF-TAR-0000148890. And the email 11:09:45  
21 I'm interested in is from Corey Peters.

22 Who is Corey Peters?

23 A Corey Peters is a supervisor in our  
24 operations.

25 Q Okay. This email was sent June 6th, 2017. 11:10:02

DRAFT FINAL

1 Do you see that? 11:10:06

2 A I do.

3 Q It was copied to you.

4 Do you see that?

5 A I do see that. 11:10:11

6 Q Okay. And it says: "Team: The 2016 work

7 is still not done and I wanted to bring it to your

8 attention."

9 Did I read that accurately?

10 A You did. 11:10:24

11 Q Okay. So we're not talking about

12 budgeting now; we're talking now about work not

13 being done, right?

14 A Yes.

15 MS. NORTH: Objection. Vague. 11:10:30

16 THE WITNESS: That's very clear.

17 BY MR. CAMPORA:

18 Q Okay. It says --

19 MS. NORTH: Outside the scope.

20 BY MR. CAMPORA: 11:10:33

21 Q -- "There are still over" 6,000

22 "outstanding 1st patrol FPTs from 2016."

23 Did I read that accurately?

24 A You did.

25 Q Any reason to believe that's not true? 11:10:42

DRAFT FINAL

1 A No. 11:10:43

2 Q Okay. And you -- is this a copy of an

3 email you received in June of 2017?

4 A It appears so.

5 Q So in June of 2017, there were still 6,000 11:10:48

6 outstanding first patrol FPT trees that hadn't been

7 done that were identified in 2016; is that true?

8 MS. NORTH: Objection. I think you

9 misstated the year in your question, so it's outside

10 the scope. 11:11:04

11 MR. CAMPORA: Let me make sure I got it

12 right.

13 Q Is it correct, sir, that as of June 6th,

14 2017, there were still over 6,000 outstanding first

15 patrol FPT trees from 2016? 11:11:13

16 A It's possible. I'm going to take Corey's

17 word for it, but I will say that this appears to be

18 systemwide and not specific to my division of

19 responsibility.

20 Q Okay. Well, did you send back an email 11:11:31

21 that said, "Hey, in our -- we got all ours done"?

22 MS. NORTH: Objection. This is outside

23 the scope.

24 THE WITNESS: I'm unsure.

25 //

DRAFT FINAL

1 BY MR. CAMPORA: 11:11:42

2 Q Okay. Well, you can look at the breakdown

3 of the -- on the next page, it has a breakdown of

4 each division where the FPTs are, doesn't it?

5 A It does. 11:11:58

6 Q Okay. Which area was yours?

7 MS. NORTH: Objection. Again, this is

8 outside the scope.

9 THE WITNESS: June of 2017, my

10 responsibility -- 11:12:12

11 BY MR. CAMPORA:

12 Q Yes, the email is June of 2017.

13 A -- my responsibility divisions were

14 North Bay, East Bay, and Diablo. So out of this

15 6477, my responsibility was the 20 in Diablo, the 26 11:12:27

16 in East Bay, and the 24 in North Bay.

17 Q Where do you see 24 in North Bay?

18 A Six trees that are still pending, and 18

19 trees that are assigned.

20 Q And in East Bay, there would be 28, true? 11:12:58

21 A Yes. Thank you.

22 Q And Diablo there were 20?

23 A Correct.

24 Q Okay. So there were -- in your area,

25 there were 20, plus 28, plus 24, right? 11:13:12

DRAFT FINAL

1 A Correct. 11:13:19

2 Q So 72 trees from 2016 still hadn't been

3 done in June of 2017, true?

4 MS. NORTH: Objection. Vague. Outside

5 the scope. 11:13:31

6 THE WITNESS: It appears to be correct.

7 BY MR. CAMPORA:

8 Q And these are -- those are

9 facility-protect trees, true?

10 MS. NORTH: Objection. Outside the scope. 11:13:36

11 THE WITNESS: Yes.

12 BY MR. CAMPORA:

13 Q Trees that pose a risk to the line, true?

14 A According to the definition, that's

15 correct, yes. 11:13:41

16 Q Okay. Now, one of the categories that

17 we're here about today is the danger that PG&E

18 understood was posed to the public by a

19 facility-protect tree.

20 Did you read that in the notice? 11:13:55

21 A You're speaking of 070 - Exhibit 1?

22 Q I am.

23 A Yes.

24 Q Category number 7.

25 A Yes. 11:14:07

DRAFT FINAL

1 Q Okay. What is category 7? You can read 11:14:08  
2 it into the record?

3 A Category 7 states that "Pacific Gas &  
4 Electric Company's understanding, at" the "time  
5 between January 1st, 2015 to the present, of the 11:14:15  
6 danger, if any, posed to the public by an FPT ..."

7 Q Okay. So as Pacific Gas & Electric  
8 Company here today, tell me what you understood the  
9 danger was to the public posed by an FPT tree.

10 A There's multiple danger that can be posed 11:14:38  
11 to the public through an FPT tree. It varies based  
12 on the location, the conditions on the ground, the  
13 weather at the time, and the location.

14 Q Okay. Well, let's talk about the dan- --  
15 various dangers. 11:14:53

16 One is the tree -- the FPT tree could fall  
17 on the line and we could have a wire down and  
18 somebody could get electrocuted and killed, right?

19 A That's a possibility of a danger, yes.

20 Q Okay. And in June, when this email 11:15:05  
21 happens, that's during fire season, right?

22 A I'm -- possibly.

23 Q So are you telling me, sir, as the person  
24 most qualified from PG&E, you don't know that June  
25 is part of fire season? 11:15:17

DRAFT FINAL

1 MS. NORTH: Objection. Argumentative. 11:15:18

2 THE WITNESS: Each county declares fire

3 season separately, and I can't say specifically

4 whether Alameda County or Napa County or

5 Marin County had declared fire season. 11:15:30

6 BY MR. CAMPORA:

7 Q Okay. But a concern would be that if a

8 tree fell into a line -- and it could either lay on

9 the line and cause a fire or it could bring the line

10 down and cause a fire, true? Isn't that a danger? 11:15:44

11 A Possibly, yes, but not necessarily. It

12 depends on, again, the condition, the weather.

13 Q Okay. Well, let's talk about October of

14 2017.

15 Do you understand what the weather 11:16:03

16 conditions were then, sir?

17 MS. NORTH: Objection. Outside the scope.

18 BY MR. CAMPORA:

19 Q If you don't know, just tell me you don't

20 know. 11:16:08

21 MS. NORTH: Objection. You're being

22 argumentative.

23 THE WITNESS: Is there --

24 MR. CAMPORA: No, I'm not.

25 MS. NORTH: Yes, you are. 11:16:11

DRAFT FINAL

1                   THE WITNESS: Are you referring to                   11:16:11  
2                   October 8th?  
3                   MR. CAMPORA: I'm talking about October --  
4                   the month of October 2017 and those conditions.  
5                   Q       Do you know what I'm talking about?                   11:16:20  
6                   MS. NORTH: Objection.  
7                   THE WITNESS: Yes. Do I understand the  
8                   conditions of October 8th and the lead-up? Yes, I  
9                   do.  
10                  BY MR. CAMPORA:   11:16:27  
11                  Q       Okay. And you're aware that a danger  
12                  posed by an FPT tree could be that if a tree fell  
13                  into the line, it could lay on the line and cause a  
14                  fire, right?  
15                  A       Yes. That is one of the possibilities                   11:16:36  
16                  of -- one of the dangers that we understand posed to  
17                  the public by an FPT tree.  
18                  Q       Okay. Or it could bring the line down,  
19                  and that could cause a fire, right?  
20                  MS. NORTH: Objection. Vague.                                   11:16:49  
21                  THE WITNESS: Possibility, yes.  
22                  BY MR. CAMPORA:  
23                  Q       Okay. And so knowing that's a danger,  
24                  PG&E understands that if a fire starts, an FPT tree  
25                  poses the risk of death to people, true?                           11:16:58